

JURY, TYPE-A

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:04-cv-01649-HHK**

MOLECULAR DIAGNOSTICS LABORATORIES v.
HOFFMANN-LA ROCHE, INC. et al
Assigned to: Judge Henry H. Kennedy
Cause: 15:15 Antitrust Litigation

Date Filed: 09/23/2004
Jury Demand: Plaintiff
Nature of Suit: 410 Anti-Trust
Jurisdiction: Federal Question

Plaintiff

**MOLECULAR DIAGNOSTICS
LABORATORIES**

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V.

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Defendant

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Defendant

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11/27/2006 01:23 PM

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Defendant

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Defendant

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Defendant

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Date Filed	#	Docket Text
09/23/2004	<u>1</u>	COMPLAINT against APPLERA CORPORATION, HOFFMANN-LA ROCHE, INC., PE APPLIED BIOSYSTEMS, PE BIOSYSTEMS GROUP, PE CORPORATION, ROCHE MOLECULAR SYSTEMS, INC., THE PERKIN-ELMER CORPORATION (Filing fee \$ 150) filed by MOLECULAR DIAGNOSTICS LABORATORIES.(lc,) (Entered: 09/27/2004)

09/23/2004	<u>2</u>	RULE 26a1 STATEMENT. (lc,) (Entered: 09/27/2004)
09/23/2004		Summons (7) Issued as to APPLERA CORPORATION, HOFFMANN-LA ROCHE, INC., PE APPLIED BIOSYSTEMS, PE BIOSYSTEMS GROUP, PE CORPORATION, ROCHE MOLECULAR SYSTEMS, INC., THE PERKIN-ELMER CORPORATION. (lc,) (Entered: 09/29/2004)
10/19/2004	<u>3</u>	MOTION for Order <i>for Entry of Pretrial Order No. 1</i> by MOLECULAR DIAGNOSTICS LABORATORIES. (Attachments: # <u>1</u> [Proposed] Pretrial Order No. 1)(Ratner, Brian) (Entered: 10/19/2004)
10/28/2004	<u>4</u>	MOTION for Leave to Appear Pro Hac Vice for John E. Scribner by APPLERA CORPORATION, PE APPLIED BIOSYSTEMS, PE BIOSYSTEMS GROUP, PE CORPORATION, THE PERKIN-ELMER CORPORATION. (lc,) (Entered: 11/01/2004)
10/28/2004	<u>5</u>	MOTION for Leave to Appear Pro Hac Vice for David J. Lender by APPLERA CORPORATION, PE APPLIED BIOSYSTEMS, PE BIOSYSTEMS GROUP, PE CORPORATION, THE PERKIN-ELMER CORPORATION. (lc,) (Entered: 11/01/2004)
11/02/2004		Minute order granting <u>4</u> defendants' motion for leave to appear pro hac vice. John E. Scribener is permitted to appear pro hac vice on behalf of PE Defendants in this matter. Re: <u>5</u> granting defendants' motion for leave to appear pro hac vice. David J. Lender is permitted to appear pro hac vice on behalf of PE Defendants in this matter. Signed by Judge Henry H. Kennedy, Jr., on November 2, 2004. Official paperless order (FL,) Modified on 11/2/2004 (FL,). (Entered: 11/02/2004)
11/27/2004	<u>6</u>	ORDER granting <u>3</u> Motion for Scheduling Order (Kennedy, Henry) (Entered: 11/27/2004)
11/29/2004		Set Deadlines: Answer due by 12/3/2004. (rew,) (Entered: 11/29/2004)
11/30/2004	<u>7</u>	NOTICE of Appearance by Amy Elizabeth Ralph-Mudge on behalf of HOFFMANN-LA ROCHE, INC., ROCHE MOLECULAR SYSTEMS, INC. (Ralph-Mudge, Amy) (Entered: 11/30/2004)
12/03/2004	<u>8</u>	NOTICE of Appearance by Cathy Hoffman on behalf of HOFFMANN-LA ROCHE, INC., ROCHE MOLECULAR SYSTEMS, INC. (Hoffman, Cathy) (Entered: 12/03/2004)
12/03/2004	<u>9</u>	MOTION to Dismiss by APPLERA CORPORATION, PE APPLIED BIOSYSTEMS, PE BIOSYSTEMS GROUP, PE CORPORATION, THE PERKIN-ELMER CORPORATION. (Attachments: # <u>1</u> Text of Proposed Order Proposed Dismissal Order# <u>2</u> Exhibit A# <u>3</u> Exhibit B# <u>4</u> Certificate of Service# <u>5</u> Memorandum in Support)(Southard, David) (Entered: 12/03/2004)
12/03/2004	<u>10</u>	LCvR 7.1 - CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by HOFFMANN-LA ROCHE, INC., ROCHE MOLECULAR SYSTEMS, INC. (Ralph-Mudge, Amy) (Entered: 12/03/2004)

12/03/2004	<u>11</u>	MOTION to Dismiss by HOFFMANN-LA ROCHE, INC., ROCHE MOLECULAR SYSTEMS, INC.. (Attachments: # <u>1</u> Appendix Proposed Order# <u>2</u> Exhibit Exhibit A# <u>3</u> Exhibit Exhibit B# <u>4</u> Exhibit Exhibit C# <u>5</u> Exhibit Exhibit D# <u>6</u> Exhibit Exhibit E# <u>7</u> Exhibit Exhibit F# <u>8</u> Exhibit Exhibit G# <u>9</u> Exhibit Exhibit H# <u>10</u> Exhibit Exhibit I# <u>11</u> Exhibit Exhibit J# <u>12</u> Exhibit Exhibit K# <u>13</u> Exhibit Exhibit L)(Hoffman, Cathy) (Entered: 12/03/2004)
12/15/2004	<u>12</u>	NOTICE of Appearance by Joseph M. Ruggiero on behalf of HOFFMANN-LA ROCHE, INC., ROCHE MOLECULAR SYSTEMS, INC. (lc,) (Entered: 12/23/2004)
01/14/2005	<u>13</u>	Memorandum in opposition to motion re <u>11</u> and <u>9</u> filed by MOLECULAR DIAGNOSTICS LABORATORIES. (Attachments: # <u>1</u>)(Ratner, Brian) (Entered: 01/14/2005)
01/19/2005	<u>14</u>	NOTICE of Appearance by Scott E. Gant on behalf of MOLECULAR DIAGNOSTICS LABORATORIES (Gant, Scott) (Entered: 01/19/2005)
01/26/2005	<u>15</u>	NOTICE of Appearance by Asim Varma on behalf of HOFFMANN-LA ROCHE, INC., ROCHE MOLECULAR SYSTEMS, INC. (Varma, Asim) (Entered: 01/26/2005)
01/26/2005	<u>16</u>	NOTICE of Appearance by Heather Holden Brooks on behalf of HOFFMANN-LA ROCHE, INC., ROCHE MOLECULAR SYSTEMS, INC. (Brooks, Heather) (Entered: 01/26/2005)
01/28/2005	<u>17</u>	NOTICE of Appearance by William A. Isaacson on behalf of MOLECULAR DIAGNOSTICS LABORATORIES (Isaacson, William) (Entered: 01/28/2005)
01/28/2005	<u>18</u>	REPLY to opposition to motion re <u>9</u> filed by APPLERA CORPORATION, HOFFMANN-LA ROCHE, INC., ROCHE MOLECULAR SYSTEMS, INC., PE CORPORATION, PE BIOSYSTEMS GROUP, THE PERKIN-ELMER CORPORATION, PE APPLIED BIOSYSTEMS. (Southard, David) (Entered: 01/28/2005)
01/28/2005	<u>19</u>	REPLY to opposition to motion re <u>11</u> filed by HOFFMANN-LA ROCHE, INC., ROCHE MOLECULAR SYSTEMS, INC.. (Hoffman, Cathy) (Entered: 01/28/2005)
02/07/2005	<u>20</u>	NOTICE of Appearance by Hadrian R. Katz on behalf of HOFFMANN-LA ROCHE, INC., ROCHE MOLECULAR SYSTEMS, INC. (Katz, Hadrian) (Entered: 02/07/2005)
04/21/2005	<u>21</u>	NOTICE OF WITHDRAWAL OF APPEARANCE as to HOFFMANN-LA ROCHE, INC., ROCHE MOLECULAR SYSTEMS, INC.. Attorney Joseph M. Ruggiero terminated. (Ruggiero, Joseph) (Entered: 04/21/2005)
04/22/2005	<u>22</u>	STIPULATION <i>Protective Order</i> by APPLERA CORPORATION, MOLECULAR DIAGNOSTICS LABORATORIES, HOFFMANN-LA ROCHE, INC., ROCHE MOLECULAR SYSTEMS, INC., PE CORPORATION, PE BIOSYSTEMS GROUP, THE PERKIN-ELMER CORPORATION, PE APPLIED BIOSYSTEMS. (Brooks, Heather) (Entered: 04/22/2005)

04/22/2005	<u>23</u>	NOTICE OF WITHDRAWAL OF APPEARANCE as to HOFFMANN-LA ROCHE, INC., ROCHE MOLECULAR SYSTEMS, INC.. Attorney Amy Elizabeth Ralph-Mudge terminated. (Ralph-Mudge, Amy) (Entered: 04/22/2005)
06/02/2005	<u>24</u>	STATUS REPORT Pursuant to Pretrial Order No. 1, Fed. R. Civ. P. 26, and Local Civ. R. 16.3(d) by APPLERA CORPORATION, MOLECULAR DIAGNOSTICS LABORATORIES, HOFFMANN-LA ROCHE, INC., ROCHE MOLECULAR SYSTEMS, INC., PE CORPORATION, PE BIOSYSTEMS GROUP, THE PERKIN-ELMER CORPORATION, PE APPLIED BIOSYSTEMS. (Attachments: # <u>1</u> Exhibit 1 - Joint [Proposed] Scheduling Order)(Ratner, Brian) (Entered: 06/02/2005)
07/06/2005	<u>25</u>	Order re <u>22</u> the parties shall be governed by the stipulated protective order. Signed by Judge Henry H. Kennedy, Jr., on July 6, 2005. (FL,) (Entered: 07/06/2005)
07/06/2005	<u>26</u>	Scheduling Order: Pretrial conference scheduled for April 19, 2007, at 9:30 a.m., before Judge Henry H. Kennedy, Jr. Signed by Judge Henry H. Kennedy, Jr., on July 6, 2005. (FL,) (Entered: 07/06/2005)
07/12/2005		Set Deadlines/Hearings: Dispositive Motions due by 2/16/2007. Response to Dispositive Motions due by 3/16/2007. Reply to Dispositive Motions due by 4/6/2005. Pretrial Conference set for 4/19/2007 at 09:30 AM in Courtroom 14 before Judge Henry H. Kennedy. (rew,) (Entered: 07/12/2005)
12/01/2005	<u>27</u>	Memorandum Opinion and Order. Signed by Judge Henry H. Kennedy, Jr., on December 1, 2005. (FL,) (Entered: 12/01/2005)
12/15/2005	<u>28</u>	Joint MOTION to Amend/Correct <u>26</u> Scheduling Order by HOFFMANN-LA ROCHE, INC., ROCHE MOLECULAR SYSTEMS, INC.. (Attachments: # <u>1</u> Exhibit 1 # <u>2</u> Exhibit 2)(Hoffman, Cathy) (Entered: 12/15/2005)
12/20/2005		Minute order granting <u>28</u> joint motion for entry of revised scheduling order. Signed by Judge Henry H. Kennedy, Jr., on December 20, 2005. Official paperless order (FL,) (Entered: 12/20/2005)
12/20/2005	<u>29</u>	Revised Scheduling Order. Signed by Judge Henry H. Kennedy, Jr., on December 20, 2005. (FL,) (Entered: 12/20/2005)
12/21/2005		Set/Reset Deadlines: Answer due by 1/16/2006. Discovery due by 12/1/2006. Dispositive Motions due by 5/16/2007. Response to Dispositive Motions due by 6/18/2007. Reply to Dispositive Motions due by 7/6/2007. Joinder of Parties due by 2/23/2006. Plaintiff's Motion for class certification due by 4/3/2006. Defendant's Responses due by 6/14/2006 (rew,) (Entered: 12/21/2005)
01/11/2006	<u>30</u>	WITHDRAWN pursuant to Notice <u>47</u>MOTION for Reconsideration re <u>27</u> Memorandum & Opinion and Alternative Request for Certification Under 28 U.S.C. Section 1292(b) by MOLECULAR DIAGNOSTICS LABORATORIES. (Attachments: # (1) Exhibit 1 # <u>2</u> Exhibit 2 # <u>3</u> Exhibit

		3)(Ratner, Brian) Additional attachment(s) added on 1/23/2006 (lc,). Modified on 6/30/2006 (lc,). (Entered: 01/11/2006)
01/11/2006	<u>31</u>	WITHDRAWN pursuant to Notice <u>47</u>MOTION for Certification for interlocutory appeal by MOLECULAR DIAGNOSTICS LABORATORIES (see docket entry #30 for document image). (lc,) Modified on 6/30/2006 (lc,). (Entered: 01/12/2006)
01/13/2006	<u>32</u>	ANSWER to Complaint with Jury Demand by APPLERA CORPORATION, PE CORPORATION, PE BIOSYSTEMS GROUP, THE PERKIN-ELMER CORPORATION, PE APPLIED BIOSYSTEMS.(Southard, David) (Entered: 01/13/2006)
01/13/2006	<u>33</u>	ANSWER to Complaint by HOFFMANN-LA ROCHE, INC., ROCHE MOLECULAR SYSTEMS, INC..(Brooks, Heather) (Entered: 01/13/2006)
01/25/2006	<u>34</u>	Memorandum in opposition to re <u>30</u> <i>Plaintiffs' Motion for Reconsideration</i> filed by APPLERA CORPORATION, HOFFMANN-LA ROCHE, INC., ROCHE MOLECULAR SYSTEMS, INC., PE CORPORATION, PE BIOSYSTEMS GROUP, THE PERKIN-ELMER CORPORATION. (Brooks, Heather) Additional attachment(s) added on 1/26/2006 (lc,). (Entered: 01/25/2006)
01/25/2006	<u>35</u>	ENTERED IN ERROR.....Proposed MOTION for Order <i>for Plaintiffs' Motion to Reconsider</i> by APPLERA CORPORATION, HOFFMANN-LA ROCHE, INC., ROCHE MOLECULAR SYSTEMS, INC., PE CORPORATION, PE BIOSYSTEMS GROUP, THE PERKIN-ELMER CORPORATION, PE APPLIED BIOSYSTEMS. (Brooks, Heather) Modified on 1/26/2006 (lc,). (Entered: 01/25/2006)
01/26/2006		NOTICE OF CORRECTED DOCKET ENTRY: re <u>35</u> Proposed MOTION for Order <i>for Plaintiffs' Motion to Reconsider</i> was entered in error and document filed has been added to docket entry #34. (lc,) (Entered: 01/26/2006)
02/06/2006	<u>36</u>	REPLY to opposition to motion re <u>30</u> <i>Reconsideration, and [31] Alternative Request for Certification Under 28 U.S.C. Section 1292(b)</i> filed by MOLECULAR DIAGNOSTICS LABORATORIES. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C)(Ratner, Brian) (Entered: 02/06/2006)
02/23/2006	<u>37</u>	MOTION to Amend/Correct <u>1</u> Complaint, by MOLECULAR DIAGNOSTICS LABORATORIES. (Attachments: # <u>1</u> Exhibit 1 - First Amended Class Action Complaint)(Ratner, Brian) (Entered: 02/23/2006)
03/09/2006	<u>38</u>	Memorandum in opposition to re <u>37</u> <i>Motion to Amend</i> filed by APPLERA CORPORATION, HOFFMANN-LA ROCHE, INC., ROCHE MOLECULAR SYSTEMS, INC., PE CORPORATION, PE BIOSYSTEMS GROUP, THE PERKIN-ELMER CORPORATION, PE APPLIED BIOSYSTEMS. (Hoffman, Cathy) (Entered: 03/09/2006)
03/20/2006	<u>39</u>	ERRATA and Filing of Corrected Opposition to <u>37</u> <i>Plaintiff's Motion for Leave to Amend</i> by APPLERA CORPORATION, HOFFMANN-LA ROCHE, INC., ROCHE MOLECULAR

		SYSTEMS, INC., PE CORPORATION, PE BIOSYSTEMS GROUP, THE PERKIN-ELMER CORPORATION, PE APPLIED BIOSYSTEMS. (Brooks, Heather) Modified on 3/21/2006 (lc,). Modified on 3/21/2006 (lc,). (Entered: 03/20/2006)
03/24/2006	<u>40</u>	REPLY to opposition to motion re <u>37</u> MOTION to Amend/Correct <u>1</u> Complaint, filed by MOLECULAR DIAGNOSTICS LABORATORIES. (Attachments: # <u>1</u> Exhibit A -- First Amended Class Action Complaint)(Ratner, Brian) (Entered: 03/24/2006)
04/03/2006	<u>41</u>	MOTION to Certify Class by MOLECULAR DIAGNOSTICS LABORATORIES. (Attachments: # <u>1</u> Text of Proposed Order)(Ratner, Brian) (Entered: 04/03/2006)
04/03/2006	<u>42</u>	NOTICE of Manual Filing Under Seal by MOLECULAR DIAGNOSTICS LABORATORIES (Ratner, Brian) (Entered: 04/03/2006)
04/17/2006	<u>43</u>	MOTION to Certify Class (<i>PUBLIC VERSION of Memorandum of Law in Support of Motion</i>) by MOLECULAR DIAGNOSTICS LABORATORIES. (Ratner, Brian) (Entered: 04/17/2006)
04/26/2006	<u>44</u>	STIPULATION and [Proposed] Order Regarding Depositions Taken in California Litigation and Qui Tam Action by APPLERA CORPORATION, MOLECULAR DIAGNOSTICS LABORATORIES, HOFFMANN-LA ROCHE, INC., ROCHE MOLECULAR SYSTEMS, INC., PE CORPORATION, PE BIOSYSTEMS GROUP, THE PERKIN-ELMER CORPORATION, PE APPLIED BIOSYSTEMS. (Ratner, Brian) (Entered: 04/26/2006)
04/27/2006		MINUTE ORDER: The parties' stipulation regarding depositions taken in California litigation and Qui Tam Action (#44) is SO ORDERED. (Kennedy, Henry) (Entered: 04/27/2006)
06/02/2006	<u>45</u>	STIPULATION and Joint [Proposed] Scheduling Order No. 3 by APPLERA CORPORATION, MOLECULAR DIAGNOSTICS LABORATORIES, HOFFMANN-LA ROCHE, INC., ROCHE MOLECULAR SYSTEMS, INC., PE CORPORATION, PE BIOSYSTEMS GROUP, THE PERKIN-ELMER CORPORATION, PE APPLIED BIOSYSTEMS. (Ratner, Brian) (Entered: 06/02/2006)
06/04/2006		MINUTE ORDER: The parties' stipulation and [proposed] scheduling order No.3 <u>45</u> is SO ORDERED. (Kennedy, Henry) (Entered: 06/04/2006)
06/29/2006	<u>46</u>	STIPULATION re <u>41</u> MOTION to Certify Class by APPLERA CORPORATION, MOLECULAR DIAGNOSTICS LABORATORIES, HOFFMANN-LA ROCHE, INC., ROCHE MOLECULAR SYSTEMS, INC., PE CORPORATION, PE BIOSYSTEMS GROUP, THE PERKIN-ELMER CORPORATION, PE APPLIED BIOSYSTEMS. (Attachments: # <u>1</u> [Proposed] Order Granting Class Certification)(Ratner, Brian) (Entered: 06/29/2006)
06/29/2006	<u>47</u>	NOTICE OF WITHDRAWAL OF MOTION by MOLECULAR DIAGNOSTICS LABORATORIES re <u>30</u> MOTION for Reconsideration re <u>27</u> Memorandum & Opinion and

		<i>Alternative Request for Certification Under 28 U.S.C. Section 1292(b)</i> , [31] MOTION for Certification for interlocutory appeal (Ratner, Brian) (Entered: 06/29/2006)
06/29/2006	<u>48</u>	Consent MOTION to Amend/Correct <u>1</u> Complaint,, <u>37</u> MOTION to Amend/Correct <u>1</u> Complaint, by MOLECULAR DIAGNOSTICS LABORATORIES. (Attachments: # <u>1</u> Exhibit 1 -- Revised First Amended Class Action Complaint# <u>2</u> [Proposed] Order Granting Plaintiff's Consent Motion)(Ratner, Brian) (Entered: 06/29/2006)
07/05/2006	<u>49</u>	Order granting <u>41</u> and <u>43</u> class certification. Signed by Judge Henry H. Kennedy, Jr., on July 5, 2006. (FL,) (Entered: 07/05/2006)
07/05/2006	<u>50</u>	MINUTE ORDER denying <u>37</u> Motion to Amend complaint as motion is moot, granting <u>48</u> Consent Motion for leave to file revised first amended class action complaint. (Kennedy, Henry) (Entered: 07/05/2006)
07/05/2006	<u>51</u>	Revised First AMENDED Class Action COMPLAINT against ROCHE DIAGNOSTICS CORPORATION, APPLERA CORPORATION, HOFFMANN-LA ROCHE, INC., ROCHE MOLECULAR SYSTEMS, INC., PE CORPORATION, PE BIOSYSTEMS GROUP, THE PERKIN-ELMER CORPORATION, PE APPLIED BIOSYSTEMS filed by MOLECULAR DIAGNOSTICS LABORATORIES.(lc,) (Entered: 07/06/2006)
07/24/2006	<u>52</u>	ANSWER to Amended Complaint with Jury Demand by APPLERA CORPORATION, PE CORPORATION, PE BIOSYSTEMS GROUP, THE PERKIN-ELMER CORPORATION, PE APPLIED BIOSYSTEMS. Related document: <u>51</u> Amended Complaint, filed by MOLECULAR DIAGNOSTICS LABORATORIES,.(Southard, David) (Entered: 07/24/2006)
07/24/2006	<u>53</u>	ANSWER to Amended Complaint by ROCHE DIAGNOSTICS CORPORATION, HOFFMANN-LA ROCHE, INC., ROCHE MOLECULAR SYSTEMS, INC.. Related document: <u>51</u> Amended Complaint, filed by MOLECULAR DIAGNOSTICS LABORATORIES,.(Brooks, Heather) (Entered: 07/24/2006)
07/28/2006	<u>54</u>	MOTION for Order <i>Approving Form of Notices and Schedule of Notice of Class Certification</i> by MOLECULAR DIAGNOSTICS LABORATORIES. (Attachments: # <u>1</u> Proposed Order (Notices attached as Exhibits 1 & 2))(Ratner, Brian) (Entered: 07/28/2006)
08/04/2006	<u>55</u>	ORDER approving Form of Notices and Schedule of Notice of Class Certification <u>54</u> . Signed by Judge Henry H. Kennedy on 8/4/06. Attachments: Exhibit 1, Exhibit A, Exhibit 2.(tth,) Modified on 8/4/2006 (tth,). (Entered: 08/04/2006)
11/03/2006	<u>56</u>	STATUS REPORT <i>Regarding Notice of Class Certification</i> by MOLECULAR DIAGNOSTICS LABORATORIES. (Attachments: # <u>1</u> Affidavit of Charlene Young)(Ratner, Brian) (Entered: 11/03/2006)

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